

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
(Northern Division)

PLUMBERS AND STEAMFITTERS  
LOCAL 486 MEDICAL FUND,

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Plaintiff,

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Civil Action No. MJG 03-219

v.

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RITA L. BOOKS, et al.,

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Plaintiffs.

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**PLAINTIFF'S MOTION TO DISMISS THE COUNTERCLAIM OF ROGER AND  
RITA BOOKS, OR IN THE ALTERNATIVE, FOR SUMMARY JUDGMENT**

Plaintiff, Plumbers & Steamfitters Local 486 Medical Fund, by its attorneys Kimberly L. Bradley, Corey Smith Bott, and Abato, Rubenstein and Abato, P.A., respectfully moves this Court, pursuant to Rules 12(b)(6) and 56 of the Federal Rules of Civil Procedure, to dismiss the Counterclaim in the above-captioned action for failure to state a claim upon which relief can be granted or, in the alternative, to enter judgment in its favor. Plaintiff Medical Fund respectfully submits that the Memorandum and exhibits filed in support thereof demonstrate that the Medical Fund is entitled to judgment as a matter of law.

Respectfully submitted,

/s/  
Kimberly L. Bradley  
Bar No. 23653

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/s/  
Corey Smith Bott  
Bar No. 25673  
Abato, Rubenstein and Abato, P.A.  
809 Gleneagles Court Suite 320  
Baltimore, Maryland 21286-2230  
(410) 321-0990

Attorneys for Plumbers & Steamfitters  
Local 486 Medical Fund

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 26th day of June, 2003 a copy of the foregoing Plaintiff's Motion to Dismiss, or in the Alternative, for Summary Judgment, together with a Memorandum of Points and Authorities and Exhibits attached thereto was sent electronically to the following:

Nathaniel Fick, Esquire  
Fick and Petty, P.C.  
1426 East Joppa Road  
Towson, Maryland 21286-5982

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/s/  
Corey Smith Bott